

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Forestry Development Act is amended
5 by changing Sections 2, 4, 5, and 7 and by adding Section 6b as
6 follows:

7 (525 ILCS 15/2) (from Ch. 96 1/2, par. 9102)

8 Sec. 2. The following words shall have the meanings
9 ascribed to them in this Section:

10 (a) "Acceptable forest ~~forestry~~ management practices"
11 means preparation of a forest ~~forestry~~ management plan, site
12 preparation, brush control, purchase of planting stock,
13 planting, weed and pest control, fire control, fencing, fire
14 management practices, timber stand improvement, timber harvest
15 and any other practices determined by the Department of Natural
16 Resources to be essential to responsible timber management.

17 (b) "Approved forest ~~forestry~~ management plan" means a
18 management plan approved by the Department of Natural Resources
19 pursuant to Section 5 of this Act.

20 (c) "Council" means the Illinois ~~Council on~~ Forestry
21 Development Council created by this Act.

22 (d) "Department" means the Department of Natural
23 Resources.

1 (e) "Forest product" means timber which can be used for
2 sawing or processing into lumber for building or structural
3 purposes, for pulp paper, chemicals or fuel, for the
4 manufacture of furniture, or for the manufacture of any
5 article.

6 (f) "Fund" means the Illinois Forestry Development Fund
7 created by this Act.

8 (g) "Timber" means trees, standing or felled, and parts
9 thereof, excluding Christmas trees and producers of firewood.

10 (h) "Timber buyer" means any person defined as a timber
11 buyer pursuant to Section 2 of the "Timber Buyers Licensing
12 Act", approved September 15, 1969, as amended.

13 (i) "Timber grower" means the owner, tenant or operator of
14 land in this State who has an interest in, or is entitled to
15 receive any part of the proceeds from, the sale of timber grown
16 in this State and includes persons exercising authority to sell
17 timber.

18 (Source: P.A. 89-445, eff. 2-7-96.)

19 (525 ILCS 15/4) (from Ch. 96 1/2, par. 9104)

20 Sec. 4. The Department shall:

21 (a) Implement the forest ~~forestry~~ development cost share
22 program created by Section 5 of this Act and coordinate with
23 the United States Department of Agriculture - Natural Resource
24 Conservation Service ~~Soil Conservation Service~~ and the Farm
25 Service Agency ~~Agricultural Stabilization and Conservation~~

1 ~~Service~~ in the administration of that ~~such~~ program.

2 (b) Approve acceptable forest ~~forestry~~ management plans as
3 required by Section 5 of this Act.

4 (c) Provide assistance to the Illinois ~~Council on~~ Forestry
5 Development Council.

6 (d) Promote the development of an active forest ~~forestry~~
7 industry in this State by providing information to timber
8 growers relating to acceptable management practices,
9 suitability of various kinds of timber to various land types,
10 marketability of various types of timber, market strategies
11 including marketing cooperatives, availability of State and
12 federal government assistance, soil and water conservation
13 benefits, and wildlife habitat enhancement opportunities.

14 (e) Provide any aid or information requested by the
15 Illinois Finance Authority in relation to forest ~~forestry~~
16 industry assistance programs implemented under the Illinois
17 Finance Authority Act.

18 (Source: P.A. 93-205, eff. 1-1-04.)

19 (525 ILCS 15/5) (from Ch. 96 1/2, par. 9105)

20 Sec. 5. A forest ~~forestry~~ development cost share program is
21 created and shall be administered by the Department of Natural
22 Resources.

23 A timber grower who desires to participate in the cost
24 share program shall devise a forest ~~forestry~~ management plan.
25 To be eligible to submit a proposed forest ~~forestry~~ management

1 plan, a timber grower must own or operate at least 10 ~~5~~
2 contiguous acres of land in this State on which timber is
3 produced, except that, no acre on which a permanent building is
4 located shall be included in calculations of acreage for the
5 purpose of determining eligibility. Timber growers with
6 Department approved forest management plans covering less than
7 10 acres in effect on or before the effective date of this
8 amendatory Act of the 96th General Assembly shall continue to
9 be eligible under the Illinois Forestry Development Act
10 provisions. The proposed forest ~~forestry~~ management plan shall
11 include a description of the land to be managed under the plan,
12 a description of the types of timber to be grown, a projected
13 harvest schedule, a description of forest ~~forestry~~ management
14 practices to be applied to the land, an estimation of the cost
15 of such practices, plans for afforestation, plans for
16 regenerative harvest and reforestation, and a description of
17 soil and water conservation goals and wildlife habitat
18 enhancement which will be served by implementation of the
19 forest ~~forestry~~ management plan.

20 Upon receipt from a timber grower of a draft forest
21 ~~forestry~~ management plan, the Department shall review the plan
22 and, if necessary, assist the timber grower to revise the plan.
23 The Department shall officially approve acceptable plans.
24 Forest ~~Forestry~~ management plans shall be revised as necessary
25 and all revisions must be approved by the Department. A plan
26 shall be evaluated every 2 years ~~annually~~ for reapproval.

1 The eligible land shall be maintained in a forest condition
2 for a period of 10 years or until commercial harvest, whichever
3 last occurs, as required by the plan.

4 The Department shall enter into agreements with timber
5 growers with approved forest ~~forestry~~ management plans under
6 which the Department shall agree to pay a share of the total
7 cost of acceptable forest ~~forestry~~ management plans and
8 practices implemented under the plan. The cost share amount is
9 up to 80% of the total cost of the forest ~~forestry~~ management
10 practices for such practices approved to be funded from monies
11 appropriated for this purpose for subsequent fiscal years. Cost
12 share funds shall be paid from monies appropriated to the
13 Department by the General Assembly for that purpose from the
14 Illinois Forestry Development Fund or any other fund in the
15 State Treasury.

16 The Department, upon recommendations made to it by the
17 Council, may provide for the categorization of forest ~~forestry~~
18 management practices and determine an appropriate cost share
19 percentage for each such category. Forest ~~Forestry~~ management
20 practices submitted by timber growers on whose timber sales
21 fees of 4% of the sale amount were paid as provided in Section
22 9a of the "Timber Buyers Licensing Act", approved September 1,
23 1969, may be accorded a priority for approval within the
24 assigned category. Such timber growers may receive a cost share
25 amount which is increased above the amount for which they would
26 otherwise qualify by an amount equal to ~~not to exceed 50% of~~

1 the fees paid by the timber grower on ~~his~~ sales occurring in
2 the 2 fiscal years immediately preceding the fiscal year in
3 which the forest ~~forestry~~ management practices are approved and
4 funded; provided, however, that the total cost share amount
5 shall not exceed the total cost of the approved forest ~~forestry~~
6 management practices.

7 Upon transfer of his or her ~~his~~ right and interest in the
8 land or a change in land use, the timber grower shall forfeit
9 all rights to future payments and other benefits resulting from
10 an approved plan and shall refund to the Department all
11 payments received therefrom during the previous 10 years unless
12 the transferee of any such land agrees with the Department to
13 assume all obligations under the plan.

14 (Source: P.A. 89-445, eff. 2-7-96.)

15 (525 ILCS 15/6b new)

16 Sec. 6b. Illinois Forestry Development Council.

17 (a) The Illinois Forestry Development Council is created by
18 this amendatory Act of the 96th General Assembly.

19 (b) The Council shall consist of 29 members appointed as
20 follows:

21 (1) four members of the General Assembly, one appointed
22 by the President of the Senate, one appointed by the Senate
23 Minority Leader, one appointed by the Speaker of the House
24 of Representatives, and one appointed by the House Minority
25 Leader;

1 (2) one member appointed by the Governor to represent
2 the Governor;

3 (3) the Directors of the Departments of Natural
4 Resources, Agriculture, and Commerce and Economic
5 Opportunity, the Executive Director of the Illinois
6 Finance Authority, and the Director of the Office of Rural
7 Affairs, or their designees;

8 (4) the chair of the Department of Forestry or a
9 forestry academician, appointed by the Dean of
10 Agricultural Sciences at Southern Illinois University at
11 Carbondale;

12 (5) the head of the Department of Natural Resources and
13 Environmental Sciences or a forestry academician,
14 appointed by the Dean of Agricultural Consumer and
15 Environmental Sciences of the University of Illinois at
16 Urbana-Champaign;

17 (6) two members, appointed by the Governor, who shall
18 be private timber growers;

19 (7) one member, appointed by the president of a
20 statewide association involved in promoting wood products,
21 who shall be involved in primary forest industry;

22 (8) one member, appointed by the president of a
23 statewide association involved in promoting wood products,
24 who shall be involved in secondary forest industry;

25 (9) one member who is actively involved in
26 environmental issues, appointed by the Governor;

1 (10) the president of a statewide association involved
2 in promoting soil and water conservation;

3 (11) two persons who are actively engaged in farming,
4 appointed by the Governor;

5 (12) one member, appointed by the Governor, whose
6 primary area of expertise is urban forestry;

7 (13) one member appointed by the president of a
8 statewide organization of arborists;

9 (14) the Supervisor of the Shawnee National Forest and
10 the United States Department of Agriculture Natural
11 Resource Conservation Service's State Conservationist, ex
12 officio, or their designees;

13 (15) the president of a statewide association involved
14 in promoting Illinois forestry;

15 (16) the president of a statewide association involved
16 in promoting Illinois walnut trees;

17 (17) the chair of a statewide association involved in
18 promoting Illinois tree farms;

19 (18) the president of a statewide association of
20 American foresters; and

21 (19) the president of a statewide association
22 promoting Illinois wildlife.

23 (c) Members of the Council shall serve without compensation
24 but shall be reimbursed for actual expenses incurred in the
25 performance of their duties which are not otherwise reimbursed.

26 (d) The Council shall select from its membership a

1 chairperson and such other officers as it considers necessary.
2 Appointees to the Council shall serve for an initial term of 2
3 years and may be reappointed for one additional term.

4 (e) Other individuals, agencies and organizations may be
5 invited to participate as deemed advisable by the Council.

6 (f) The Council shall study and evaluate the forest
7 resources and forest industry of Illinois. The Council shall:

8 (1) determine the magnitude, nature and extent of the
9 State's forest resources;

10 (2) determine current uses and project future demand
11 for forest products, services and benefits in Illinois;

12 (3) determine and evaluate the ownership
13 characteristics of the State's forests, the motives for
14 forest ownership and the success of incentives necessary to
15 stimulate development of forest resources;

16 (4) determine the economic development and management
17 opportunities that could result from improvements in local
18 and regional forest product marketing and from the
19 establishment of new or additional wood-related businesses
20 in Illinois;

21 (5) confer with and offer assistance to the Illinois
22 Finance Authority relating to its implementation of forest
23 industry assistance programs authorized by the Illinois
24 Finance Authority Act;

25 (6) determine the opportunities for increasing
26 employment and economic growth through development of

1 forest resources;

2 (7) determine the effect of current governmental
3 policies and regulations on the management of woodlands and
4 the location of wood products markets;

5 (8) determine the staffing and funding needs for forest
6 and other conservation programs to support and enhance
7 forest resources development;

8 (9) determine the needs of forest education programs in
9 this State;

10 (10) confer with and offer assistance to the Department
11 of Natural Resources relating to the implementation of
12 urban forest assistance grants pursuant to the Urban and
13 Community Forestry Assistance Act; and

14 (11) determine soil and water conservation benefits
15 and wildlife habitat enhancement opportunities that can be
16 promoted through approved forest management plans.

17 (g) The Council shall report (i) its findings and
18 recommendations for future State action and (ii) its evaluation
19 of Urban/Community Forestry Assistance Grants to the General
20 Assembly no later than July 1 of each year.

21 (525 ILCS 15/7) (from Ch. 96 1/2, par. 9107)

22 Sec. 7. The Illinois Forestry Development Fund, a special
23 fund in the State Treasury, is hereby created. The Department
24 of Natural Resources shall pay into the Fund all fees and fines
25 collected from timber buyers and landowners and operators

1 pursuant to the "Timber Buyers Licensing Act", and the "Forest
2 Products Transportation Act", all gifts, contributions,
3 bequests, grants, donations, transfers, appropriations and all
4 other revenues and receipts resulting from forestry programs,
5 forest product sales, and operations of facilities not
6 otherwise directed by State law and shall pay such monies
7 appropriated from the Fund to timber growers for implementation
8 of acceptable forest ~~forestry~~ management practices as provided
9 in Section 5 of this Act. Monies may be appropriated from the
10 Fund for the expenses of the Illinois Forestry Development
11 Council. Ordinary operating expenses of the Forest Resources
12 Division of the Department, for the administration and
13 implementation of this Act, the development and implementation
14 of a wood industry marketing, development and promotions
15 program and other programs beneficial to advancing forests and
16 forestry in this State, as deemed appropriate by the General
17 Assembly, may be appropriated from this fund to the extent such
18 appropriations preserve the receipts to the Fund derived from
19 Section 9a of the "Timber Buyers Licensing Act".

20 (Source: P.A. 89-445, eff. 2-7-96.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.